

COMMISSION ON JUDICIAL PERFORMANCE  
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FOR RELEASE  
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JUDICIAL PERFORMANCE COMMISSION ISSUES  
PUBLIC ADMONISHMENT OF JUDGE NANCY POLLARD

The Commission on Judicial Performance has publicly admonished Judge Nancy Pollard of the Orange County Superior Court.

In one matter in 2009, *Forline v. Chenier*, the judge was presiding over a hearing on a petition for a restraining order filed by Kathy Forline against her former boyfriend, Blake Chenier. After hearing testimony by the petitioner about her allegations that the respondent threw rocks at her and spit on her, the judge asked the respondent where he was born. The respondent stated, "Newport Beach, California." The judge then referred to rock throwing and spitting in other domestic violence cases as: "Usually that is the kind of behavior I see in Middle Eastern clients, but almost – if I read a declaration where they say, 'He spit on me, he threw rocks at me,' almost always it's a Middle Eastern client. If the declaration says, 'He drags me around the house by the hair,' it's almost always a Hispanic client." Judge Pollard's remarks articulated stereotypes about two ethnic groups and their propensity to engage in certain types of domestic violence. Ethnic stereotyping is inconsistent with the fair, impartial and dispassionate administration of justice. The commission found that Judge Pollard's remarks about Hispanic and Middle Eastern men were contrary to canon 3B(5) of the Code of Judicial Ethics, which provides, "A judge shall not, in the performance of judicial duties, engage in speech, ... or other conduct that would reasonably be perceived as (1) bias or prejudice, including but not limited to bias or prejudice based upon race ... [or] national origin ... ."

Later in the same proceeding, before the respondent had testified or presented any testimony on his own behalf, the judge made remarks that suggested that she had prejudged the facts. For example, the judge stated, "The issue is he spit on her, he choked her, he pushed her, he threw protein powder all over the room, and he destroyed a lot of expensive property." The judge's remarks were contrary to canon 3B(5) and to canon 2A, which requires a judge to act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

In *Blumenthal v. Blumenthal*, a family law case that the judge had presided over for four years, the judge declared a mistrial because the trial did not end within a five-hour period she had set for its completion and she was about to be transferred from a family law assignment to a domestic violence assignment about six weeks later. The judge took this action although only a few more hours of anticipated testimony remained. The Court of Appeal issued a writ and set

the matter for completion of trial back before Judge Pollard stating, “The abuse of discretion in granting this mistrial is manifest.” The commission found that Judge Pollard’s conduct in declaring a mistrial in *Blumenthal* constituted an abuse of authority and failure to hear and decide a matter assigned to her, contrary to canon 3B(1), which requires judges to hear and decide all matters assigned to the judge except those in which the judge is disqualified.

The public admonishment is available on the Commission’s Web site at [www.cjp.ca.gov](http://www.cjp.ca.gov) (under “Press Releases” and “Public Discipline – 1960 to Present”) and at the Commission’s office.

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The Commission is composed of three judges, two lawyers, and six public members. The Chairperson is the Hon. Judith D. McConnell of the Court of Appeal, Fourth Appellate District, in San Diego, California.

For further information about the Commission on Judicial Performance, see the commission’s Web site.